Remarks

This is a response to the Final Office Action dated **May 26, 2009.**

Rejection under 35 U.S.C. §103(a)

Claims 15, 16 and 18-23 have been rejected under 35 U.S.C. §103(a) as being obvious over Golds et al. (US Patent 6,001,125) in view of Banas et al. (6,264,684). It is asserted in the Office Action that:

> Claim 15, 16, 18, 20: Golds'125 teaches a stent/graft that contains a continuous inner tubular body (24) and an outer layer of stent (28 or 36) in direct contact with the tubular inner body and an outer PTFE layer (22). This is shown in Figures 7 and 8. The support structure (28 or 36) is in direct contact with the inner tubular layer (see Figure 8). Golds'125 does not teach the formation of an assembly strip made of the stent and an outer PTFE layer.
>
> Banas'684 teaches that it is known to create an assembly strip formed of a non-continuous PTFE tubular outer body (the outer portion of cladding 11) and a distensible support structure (14) that is non-continuously wound around a substantially continuous PTFE tubular inner body (12) (see Figure 1 or 4b).
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Applicants traverse the rejection.

Claim 15 of the present application is directed to a method of providing axial and circumferential compliance to an intraluminal prosthesis stent/graft composite wherein a polytetrafluoroethylene (PTFE) tape strip is combined with a distensible support structure to form an assembly strip and the assembly strip is combined with a substantially continuous inner tubular body support by wrapping the assembly strip about the inner tubular body support in a non-overlapping pattern, such that the distensible support structure is placed in direct contact with both the tubular inner body and the tape strip completely overlies the distensible support structure forming a non-continuous outer tubular body of polytetrafluoroethylene components.

The support structure may be a stent.

As admitted in the Final Office Action, Golds et al. fail to disclose or suggest both a support structure and a PTFE tape strip. Rather, Golds et al. disclose the use of one or the other, but not both. See column 6, lines 22-37 and lines 44-57. "With further reference to FIGS. 6-8, a further preferred embodiment of the present invention contemplates placing a stent between the inner tube 24 and outer tube 22, instead of intermediate layer 26 (FIG. 4) so as to form a stent/graft composite device 25." Column 6, lines 44-48.

Banas et al. discloses "[s]hape memory alloy and elastically self-expanding endoluminal support structures which are at least partially encapsulated in a substantially monolithic expanded polytetrafluoroethylene ("ePTFE") covering." Abstract.

However, Banas et al. further discloses " … that a polymeric cladding 11 be provided to at least partially cover the support wire member 14 and facilitate adhesion between the support wire member 14 and the abluminal wall surface 17 of the tubular substrate 12." Column 7, lines 38-43. FIG. 2 of Banas et al. is reproduced below to illustrate this:

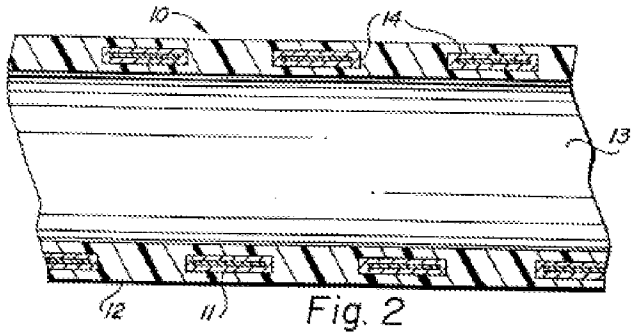

Fig. 2

As can be clearly seen from FIG. 2, support wire member 14 is clearly not in contact with tubular substrate 12 because polymer cladding 11 is between support wire member 14 and tubular substrate 12.

Therefore, the combination lacks the disclosure of a " … distensible support structure [is] placed *in direct contact with both the tubular inner body and the tape strip* completely overlies the distensible support structure forming a non-continuous outer tubular body of polytetrafluoroethylene components" as recited in claim 15 of the present application.

Prima facie obviousness under 35 U.S.C. §103(a) requires that the combination of references disclose or suggest all of the claim elements. See MPEP 2142 and *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 16, 18, 21, 22 and 23 depend from claim 15 and are not obvious over Golds et al. in view of Banas et al. for at least these reasons.

Independent claim 19 is directed to a method of making an implantable intraluminal stent/graft composite prosthesis including, inter alia, wrapping a stent directly against a continuous ePTFE tubular inner body, in a non-overlapping relationship and wrapping an ePTFE strip about the tubular inner body and stent, to overly the stent.

Independent claim 20 is directed to a method of making an implantable intraluminal stent/graft prosthesis including, inter alia, assembling a stent with a ePTFE strip to make an assembly strip with a stent side and an ePTFE strip side and wrapping the assembly strip around the inner body in non-overlapping relationship*, such that the stent side is placed directly against the inner body*.

Again, the combination lacks the disclosure of a stent that is placed in direct contact with *both the inner body and the ePTFE strip*. The combination particularly lacks the disclosure of a stent in direct contact with the inner tubular body as discussed above. Claims 19 and 20 are not obvious over Golds et al. in view of Banas et al. for at least the reasons that claim 15 is not obvious over this combination.

Withdrawal of the rejection of claims 15, 16 and 18-23 under 35 U.S.C. §103(a) as being obvious over Golds et al. (US Patent 6,001,125) in view of Banas et al. (6,264,684) is respectfully requested.

CONCLUSION

Claims 15, 16 and 18-23 are pending in the application. Applicants have addressed each of the issues presented in the Office Action. Based on the foregoing, Applicants respectfully request reconsideration and an early allowance of the claims as presented. Should any issues remain, the attorney of record may be reached at (952)563-3011 to expedite prosecution of this application.

Respectfully submitted,

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Date: July 10, 2009

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